

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) PF 98 PCT
First Named Inventor: Christine LIBON	Art Unit: 1645	
Application Number: 09/936,676	Examiner: Robert Zeman	
Filed: September 14, 2001		
Title: Bacterial Membrane Fractions with Adjuvant Effect		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9382.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: <ul style="list-style-type: none">(1) Petition fee.(2) Reply and/or issue fee.(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and(4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee <div style="margin-left: 20px;"><input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(l)) Applicant claims small entity status.. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small entity - fee \$ <u>110.00</u> (37 CFR 1.17(l)).</div>		
2. Reply and/or fee <div style="margin-left: 20px;">A. The reply and/or fee to the above-noted Office action in the form of <u>Response & Amendment under 37 CFR § 1.111 with 2 mo. ext fee</u> (identify the type of reply): <div style="margin-left: 20px;"><input checked="" type="checkbox"/> has been filed previously on <u>December 1, 2003</u>. <input checked="" type="checkbox"/> is enclosed herewith.</div> B. The issue fee of \$ _____ <div style="margin-left: 20px;"><input type="checkbox"/> has been paid previously on _____. <input type="checkbox"/> is enclosed herewith.</div></div>		

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This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Docket Number (Optional)

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ (ther than a small entity) disclaiming the required period of time enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorize on PTO-2038.**December 14, 2004

Date

G. PATRICK SAGE
Signature269 382 0030

Telephone Number

G. PATRICK SAGE

Typed or printed name

37,710

Registration Number, if applicable

500 Columbia Plaza 350 East Michigan Ave.

Address

Kalamazoo, MI 49007

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☒ Response & Amendment, canceled check, PTO date stamped return post card**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

December 14, 2004

Date

G. PATRICK SAGE
SignatureG. PATRICK SAGE

Typed or printed name of person signing certificate

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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

December 14, 2004

Date

G. Patrick Sage
Signature

37,710

Registration Number, if applicable

G. PATRICK SAGE

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Response and Amendment under 37 CFR § 1.111 with two (2) month extension were timely filed under Certificate of Mailing under 37 CFR § 1.8(a) with return postal card receipt on December 1, 2003. A copy of said response, date stamped return postal card receipt indicating receipt by USPTO mailroom on December 4, 2003 and cancelled check no. 72085 for two (2) month extension are enclosed. As this abandonment was not only unavoidable but also the result of USPTO error, reimbursement of the entire petition fee is hereby respectfully solicited.

(Please attach additional sheets if additional space is needed.)